

ARTICLE V. RECYCLED WATER FOR IRRIGATION

SEC. 35.100.1. Findings.

Potable water is one of our most precious natural resources and is becoming increasingly scarce in the semiarid State of California. The use of treated, nonpotable water for construction and irrigation will increase the amount of potable water available for other uses in the city. The City of Mountain View is dedicated to conserving the potable water supply. Recycled water is a sustainable water source that reduces potable water consumption and is not subject to rationing during drought. After careful study, the city council has determined that recycled water shall be used within the boundaries of the Shoreline Regional Park Community for irrigation purposes whenever it is available and beneficial to the customer.

This article will implement an important program that will assist the Shoreline Regional Park Community in preserving this precious commodity. In adopting this program, the council has balanced the needs of all water users and through this implementation strategy will allow water users sufficient flexibility to meet their potable and nonpotable water needs.

(Ord. No. 14.04, 12/26/04.)

SEC. 35.100.2. Converting existing potable water users to recycled water.

Within the boundaries of the Shoreline Regional Park Community, retail, commercial and industrial customers to be served by recycled water in the initial conversion have been identified in the "Regional Water Recycling Facilities Planning Study" dated January 2004. This study may be amended from time to time to add additional customers. These customers will be notified by mail that a conversion to recycled water for irrigation purposes is required, along with the conditions of use, pricing and construction schedule. Recycled water customers may file a request for an exemption or adjustment from these requirements with the director of public works.

(Ord. No. 14.04, 12/26/04.)

SEC. 35.100.3. Use of recycled water in new construction.

All applications for land use permits, building permits and other discretionary actions within the boundaries of the Shoreline Regional Park Community, filed after the adoption of this ordinance, shall include the following:

- a. Incorporation of recycled water usage into the design of landscape and irrigation systems.
- b. Consideration of plants suitable for irrigation with recycled water.
- c. The installation of the infrastructure necessary to connect the irrigation system to the city's recycled water supply.
- d. The use of recycled water in lieu of potable water during construction activity.

The city maintains the right to require recycled water use for additional purposes as appropriate.

(Ord. No. 14.04, 12/26/04.)

SEC. 35.100.4. Exemptions and adjustments.

An application for an exemption or an adjustment to the requirement to use recycled water shall be made to the director of public works. Requests for an exemption or adjustment may be made consistent with state law and shall be based on the finding by the director that the use of recycled water demonstrates an adverse effect to the applicant's landscaping installed prior to the effective date of the ordinance codified herein. The director of public works may also consider any additional factors, including any special costs or hardships which may be created by the use of recycled water. A written determination will be made on all requests for exemptions or adjustments within ten (10) business days and mailed to the applicant.

(Ord. No. 14.04, 12/26/04.)

SEC. 35.100.5 Administrative provisions.

The director of public works shall establish written application and appeals procedures and may promulgate guidelines for the implementation of this program.

(Ord. No. 14.04, 12/26/04.)

SEC. 35.100.6. Appeals.

Denial of any application for an exemption and/or adjustment to the provisions of recycled water use may be appealed to the city manager, whose decision shall be final. An application for appeal shall be filed with the city clerk in writing within ten (10) business days after the director of public works' decision and shall state the specific grounds for the appeal. The city manager shall hear the appeal within sixty (60) calendar days after the appeal has been filed with the city clerk and shall issue a written decision within thirty (30) days.

(Ord. No. 14.04, 12/26/04.)

SEC. 35.100.7. Failure to comply with this article.

In addition to existing penalties in state and local law for violation of the provisions of this article, the director of public works may assess the following penalties, subject to the appeal provisions set forth above:

- a. A water service surcharge of fifty percent (50%) of the general water service rate as set forth in Mountain View City Code Section 35.27 to use potable water for irrigation.
- b. Continued use of potable water for irrigation, after written warning or warnings by the director, may result in the discontinuation of water service supplied for irrigation by the City of Mountain View following a noticed hearing as set forth in Sec. 35.100.6. A charge as set forth in the city's master fee schedule shall be paid prior to the reactivation or restoration of water service.

(Ord. No. 14.04, 12/26/04.)